

REMARKS

The Final Office Action dated January 14, 2004 and the references cited therein have been fully considered. Reconsideration of this application as amended is respectfully requested in light of the foregoing amendments and following remarks.

Claims 1-15 are pending in the application.

Claims 1 is amended herein.

Claims 4, 6, 7, 10 and 14 have been previously presented.

Claim 8 has been cancelled.

Claims 1-7 and 9-15 are presented for consideration.

Interview Summary

Applicants thank the Examiner for the consideration and assistance provided to Applicants' representative during telephone interviews initiated by the Examiner on May 20 and 21, 2004. In compliance with MPEP 713.04, Applicants provide this summary of these telephonic interviews.

During the telephonic interview on May 20, 2004, Examiner Hill indicated that Applicants' claim amendments and response to the Final Office Action had been considered but were deemed insufficient. It was suggested that the limitation of claim 6 might be needed to further define the invention and distinguish the claimed invention from the prior art in which the packaging signal included an A element. Applicants indicated that they would review the previously cited prior art for further discussion on May 21, 2004.

During the telephone interview of May 21, 2004 Applicants presented to the Examiner that the prior art did not teach A elements in which the N₈ sequences of the consensus ATTTGN₈CG had been switched from their non-naturally occurring sequence and suggested language to this effect to be included in claim 1. In further discussions, the Examiner suggested that the inclusion of this feature and further specifying that not all N₈ sequences are identical would better define and distinguish the claimed invention. It was agreed that a Supplemental Response and Amendment to that effect would be filed by Applicants' representative forthwith.

Claim Amendments

Support for the amendments made to claim 1 can be found on page 11, lines 19-24 and lines 25-31. Applicants believe that these amendments will further define the invention and distinguish

the claimed packaging signal from that taught specifically by an application filed by S. Hardy, WO 97/32481 and M. Grabel and P. Hearing, J. of Virology, May 1990, p. 2047-2056, cited within Hardy, in which six identical A elements were used as a packaging signal. There is no teaching or suggestion within either of these references of the use of A elements with differing N₈ sequences.

In addition to the claim amendments discussed during the telephonic interview, in reviewing the prior art to prepare this Supplemental Response, Applicants' representative ascertained that a typographical error had been made in the specified consensus sequence listed in the Specification and the claims. The correct consensus sequence should be ATTTN8CG and not ATTTN8GC as set forth in the application. The correct consensus sequence can be found on page 3380, Col. 2, Fig. 4 of Schmid et al., J. of Virology, May 1997, p. 3375-3384, which was cited by the Applicants on page 11, line 17. Applicants submit that this error in no way changes the substance of what has been disclosed and/or claimed and, as such, does not constitute new matter. Applicants have included amendments to the Specification as well as claim 1 within this Supplemental Response to correct this typographical error. A new Sequence Listing has also been included with this response.


CONDITIONAL PETITION

Applicants hereby make a Conditional Petition for any relief available to correct any defect in connection with this filing, or any defect remaining in this application after this filing. The Commissioner is authorized to charge deposit account 13-2755 for the petition fee and any other fee(s) required to effect this Conditional Petition.

CONCLUSION

In view of the foregoing amendments and remarks, it is seen that all grounds of rejection have been overcome and that Claims 1-7 and 9-15 are in proper condition for allowance. Accordingly, Applicants respectfully request that all of the objections and rejections of record be withdrawn and that a Notice of Allowance be forwarded to the Applicants. The Examiner is invited to contact Applicants' Attorney at the telephone number given below, if such would expedite the allowance of this application.

Respectfully submitted,

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